

WO

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

David Alexander,

No. CV-19-08249-PCT-GMS

Plaintiff,

## ORDER

V.

## Gurm Transport Incorporated, et al.,

## Defendants,

and

## United Specialty Insurance Company,

## Intervenor.

Pending before the Court is United Specialty Insurance Company (“Intervenor”’)s Motion to Intervene pursuant to Fed. R. Civ. P. 24(a) (Doc. 12) and Answer/Motion to Dismiss in Intervention (Doc. 12 at 5). The Motion to Intervene is granted and Intervenor is directed to file its Answer on Behalf of Defendant Gursewak S. Singh.

## BACKGROUND

Plaintiff David Alexander (“Plaintiff”) alleges that on January 11, 2018, he was involved in an automobile accident with Defendant Singh. At that time, and currently, Defendant Singh’s employer, Defendant Gurm Transport, Inc. (“Defendant Gurm”), had liability insurance through Intervenor, including coverage for Defendant Singh’s vehicle. On July 9, 2019, Plaintiff filed a complaint in Arizona state court alleging, among other claims, that Defendants Gurm and Singh negligently caused his injuries. The case was

1 removed to this Court on August 22, 2019. This motion followed on November 12, 2019.

2

## DISCUSSION

3

### I. Analysis

4

#### A. Motion to Intervene

5 To intervene as of right under Rule 24(a), a person or entity must show 1) that its  
6 application for intervention is timely, 2) that it has a significantly protectable interest  
7 relating to property or transaction that is the subject of the action, 3) that the disposition  
8 may impair or impede its ability to protect that interest, and 4) that its interest is not  
9 adequately represented by the existing parties before the Court. *Southwest Center for*  
10 *Biological Diversity v. Berg*, 286 F.3d 810, 817-18 (9th Cir. 2001). In this case, all the  
11 requirements for intervention as of right are met. Intervenor's motion was timely because  
12 it was filed early in the case, there has been no delay in filing the motion, and no prejudice  
13 or delay is apparent from permitting intervention. *See Day v. Apoliona*, 505 F.3d 963, 965  
14 (9th Cir. 2007) ("Determination of the timeliness of a motion to intervene depends upon  
15 (1) the stage of the proceeding, (2) the prejudice to other parties, and (3) the reason for and  
16 length of the delay.") (internal quotations omitted). As to the other requirements under Rule  
17 24(a), Arizona courts analyzing the same requirements under Ariz. R. Civ. P. 24(a) have  
18 repeatedly recognized that, because collateral estoppel generally will apply, insurance  
19 companies have the "requisite interest . . . to be entitled to intervention." *Mora v. Phoenix*  
20 *Indem. Ins. Co.*, 196 Ariz. 315, 318, 996 P.2d 116, 119 (Ct. App. 1999). Finally, none of  
21 the other parties to the case have voiced opposition to intervention. *See LRCiv 7.2(i)* ("[I]f  
22 the unrepresented party or counsel does not serve and file the required answering  
23 memoranda . . . such non-compliance may be deemed a consent to the denial or granting  
24 of the motion and the Court may dispose of the motion summarily."). Intervenor's Motion  
25 to Intervene is granted. Intervenor is ordered to file its Answer on Behalf of Defendant  
26 Gursewak S. Singh.

27

28 **IT IS THEREFORE ORDERED** that United Specialty Insurance Company's  
Motion to Intervene pursuant to Fed. R. Civ. P. 24(a) (Doc. 12) is **GRANTED**. All further

1 pleadings shall be captioned as referenced above.

2 **IT IS FURTHER ORDERED** that United Specialty Insurance Company is  
3 directed to file its Answer on Behalf of Defendant Gursewak S. Singh forthwith.

4 Dated this 9th day of December, 2019.

5   
6

7 G. Murray Snow  
Chief United States District Judge

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28